

**UNITED STATES DISTRICT COURT
THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MARTIN J. WALSH, SECRETARY OF)	CASE NO.: 1:18-cv-02247-SO
LABOR, U.S. DEPARTMENT OF LABOR,¹)	
)	JUDGE: Solomon Oliver, Jr
Plaintiff,)	
)	
v.)	
)	
AMERICAN POSTAL WORKERS UNION)	CERTIFICATION OF
LOCAL 72,)	ELECTION BY U.S.
)	DEPARTMENT OF
Defendant.)	LABOR

The election having been conducted in the above matter under the supervision of the Secretary of Labor, United States Department of Labor, pursuant to a Stipulation of Settlement and Order dated April 6, 2020, in the United States District Court for the Northern District of Ohio, Eastern Division, in accordance with the provisions of Title IV of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. §§ 481-483) and, insofar as lawful and practicable, in conformity with the Constitution and Bylaws of the defendant labor organization, therefore:

Pursuant to Section 402(c) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. § 482(c)), and the authority delegated to me,

IT IS HEREBY CERTIFIED that the following named candidates are duly elected to
the offices designated:

Daleo Freeman

President

¹ Pursuant to F.R.C.P. 25(d), Martin J. Walsh, who is serving as the Secretary of Labor, is automatically substituted as the Plaintiff in place of former Secretary of Labor Eugene Scalia.

Nigel Saleem	Executive Vice President
Lonnie Turner	Secretary-Treasurer
Bindu Sancho	Financial Secretary Clerk Craft National Convention Delegate Clerk Craft State Convention Delegate
Juanita Jett	Director of Research and Education Maintenance Craft National Convention Delegate
Tonya Butler	Director of Clerk Craft AFL-CIO Delegate
Sharon Denise Travis	Assistant Director of Clerk Craft
Joe E. Washington	Administrative Aide of Stations and Branches – East Clerk Craft National Convention Delegate Clerk Craft State Convention Delegate
Ingrid Rivera	Administrative Aide of Stations and Branches – West Clerk Craft National Convention Delegate Clerk Craft State Convention Delegate AFL-CIO Delegate
Tom Vlasek	Director of Maintenance
Randy Todd	Assistant Director of Maintenance Maintenance Craft National Convention Delegate Maintenance Craft State Convention Delegate
Steve Martin	Director of Motor Vehicle
Dwayne Sopshire	Assistant Director of Motor Vehicle Motor Vehicle Craft National Convention Delegate Motor Vehicle Craft State Convention Delegate
Cristian Trifu	Maintenance Craft State Convention Delegate
Donald Jackson, Jr.	Motor Vehicle Craft National Convention Delegate Motor Vehicle Craft State Convention Delegate

James “JD” Dennis

Clerk Craft National Convention Delegate
Clerk Craft State Convention Delegate
AFL-CIO Delegate

Jacqueline Stewart-Harris

Clerk Craft National Convention Delegate
Clerk Craft State Convention Delegate
AFL-CIO Delegate

Germaine Williams

Clerk Craft National Convention Delegate
Clerk Craft State Convention Delegate

Brittany Price

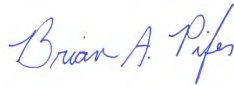
Clerk Craft National Convention Delegate

Trennel “Tre” Bailey

Clerk Craft State Convention Delegate

Attached herewith is a declaration setting forth the allegations in the protests concerning the supervised election and the Department of Labor’s findings after investigating the protests.

Signed this 28th day of July, 2021.



Brian A. Pifer, Director
Office of Field Operations
Office of Labor-Management Standards
United States Department of Labor

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LABOR, U.S. DEPARTMENT OF LABOR,¹)	
)	
Plaintiff,)	JUDGE: Solomon Oliver, Jr
)	
v.)	
)	
AMERICAN POSTAL WORKERS UNION)	DECLARATION OF
LOCAL 72,)	BRIAN A. PIFER
)	
Defendant.)	

I, Brian A. Pifer, am the Director of the Office of Field Operations, Office of Labor-Management Standards (“OLMS”), U.S. Department of Labor (“Department”). The Department supervised an election of officers of the American Postal Workers Union Local 72 (“APWU Local 72”), which was held on April 27, 2021, pursuant to a Stipulation of Settlement and Order entered on April 6, 2020, by the Court (“the supervised election”).

OLMS received a pre-election and a post-election protest, which were investigated and resolved prior to certifying the election, as described below. The supervised election included new elections for the positions of President, Executive Vice President, Secretary-Treasurer, Financial Secretary, Director of Research and Education, Director of Clerk Craft, Assistant Director of Clerk Craft, Administrative Aid – East, Administrative Aid – West, Director of Maintenance, Assistant Director of Maintenance, Director of Motor Vehicle, Assistant Director of Motor Vehicle, Maintenance Craft National Convention Delegates (2), Maintenance Craft

¹ Pursuant to F.R.C.P. 25(d), Martin J. Walsh, who is serving as the Secretary of Labor, is automatically substituted as the Plaintiff in place of former Secretary of Labor Eugene Scalia.

State Convention Delegates (2), Motor Vehicle Craft National Convention Delegates (2), Motor Vehicle Craft State Convention Delegates (2), Clerk Craft National Convention Delegates (7), Clerk Craft State Convention Delegates (7), and AFL-CIO Delegates (4).

A. Election Process

During the week of February 15, 2021, copies of a written notice of nomination were posted on union bulletin boards at the nearly sixty post office stations covered by APWU Local 72.

On March 9, 2021, APWU Local 72 conducted the nominations meeting at the union hall. Several positions had only nominees equal to the number of positions to be filled and so were uncontested: Director of Research and Education, Director of Motor Vehicle, Assistant Director of Motor Vehicle, Motor Vehicle Craft National Convention Delegates (2), and Motor Vehicle Craft State Convention Delegates (2).

On March 23, 2021, a meeting was held for candidates to discuss campaign rules and prohibitions, inspection of the mailing list, distribution of campaign literature, and rules regarding observers.

As in past elections, APWU Local 72 retained Accounting Business Services (ABS) to print, stuff, mail, and tally the ballots. The ballot packages were prepared by ABS under the supervision of OLMS at the APWU Local 72 union hall on the evenings of March 30, 2021 and March 31, 2021.

On April 1, 2021, the notice of election and ballots were mailed to all members at their last known home address. A total of 1,290 ballot packages were mailed to voting members. Twenty-one ballot packages were promptly re-mailed to members for whom a better mailing address was obtained following their packages being returned as undeliverable.

On April 27, 2021, Election Supervisor Laureen Boger, the election committee, and ABS retrieved 389 ballots from the dedicated post office box in the main post office in Cleveland, Ohio and taken straight to the union hall. The return envelopes were verified for voter eligibility. During this process, four ballots were voided because the outer envelopes did not have a return address or member name, which prevented voter eligibility from being determined.

Accordingly, 385 ballots were tallied. The complete results were as follows:

Office	Candidate	Total Votes
President	Daleo Freeman	208
	James "JD" Dennis	168
Executive Vice President	Nigel Saleem	228
	Gregory Smart	133
Secretary-Treasurer	Lonnie Turner	172
	Starr Hudge	50
	Brittany Price	133
Financial Secretary	Bindu Sancho	131
	Felisa Washington	119
	Robert Polite	102
Director of Research and Education	Juanita Jett	274
Director of Clerk Craft	Tonya Butler	118
	Jacqueline Stewart-Harris	104
Assistant Director of Clerk Craft	Sharon Denise Travis	88
	Trennel "Tre" Bailey	79
	James Cargile, Jr	43
Administrative Aide, East	Joe E. Washington	107
	Dominique Taylor	67
	Kayla Ray	29
Administrative Aide, West	Ingrid Rivera	141
	Lacey Jerla-Johnson	71
Director of Maintenance	Tom Vlasek	59
	Erin Armstrong	56
Assistant Director of Maintenance	Randy Todd	54
	Christian Trifu	45
	James Butler	14
Director of Motor Vehicle	Steve Martin	26

Assistant Director of Motor Vehicle	Dwayne Sopshire	35
Maintenance Craft National Convention Delegates (2)	Randy Todd	48
	Juanita Jett	44
	Christian Trifu	42
	Daleo Freeman	36
	Orane McDonald	25
	Emeria Fields	23
Maintenance Craft State Convention Delegates (2)	Randy Todd	41
	Nigel Saleem ²	39
	Christian Trifu	35
	Juanita Jett	31
	Daleo Freeman	28
	Orane McDonald	21
	Emeria Fields	19
Motor Vehicle Craft National Convention Delegates (2)	Dwayne Sopshire	34
	Donald Jackson, Jr.	24
Motor Vehicle Craft State Convention Delegates (2)	Dwayne Sopshire	33
	Donald Jackson, Jr.	25
Clerk Craft National Convention Delegates (7)	James “JD” Dennis	131
	Tonya Butler ³	130
	Jacqueline Stewart-Harris	109
	Joe. E Washington	96
	Germaine Williams	92
	Ingrid Rivera	89
	Bindu Sancho	87
	Brittany Price	82
	Trennel “Tre” Bailey	80
	Felisa Washington	77
	Robert Polite	74
	Gregory Smart	74
	Sharon Denise Travis	72
	Starr Hudge	58

² Nigel Saleem won the Executive Vice President race, which makes him State and National Convention Delegate by virtue of office. As a result, Saleem was removed from the State Convention Delegate race, advancing the candidate who received the next highest number of votes.

³ Tonya Butler won Clerk Craft Director race, which makes her a State and National Convention Delegate by virtue of office. As a result, Butler was removed from those delegate races, advancing the candidates who received the next highest number of votes.

	James Cargile Jr.	48
	Patricia Harris	41
	Dominique Taylor	37
	Kayla Ray	30
Clerk Craft State Convention Delegates (7)	Tonya Butler	129
	James “JD” Dennis	122
	Jacqueline Stewart-Harris	111
	Ingrid Rivera	99
	Joe E. Washington	96
	Germaine Williams	87
	Bindu Sancho	85
	Trennel “Tre” Bailey	79
	Felisa Washington	78
	Brittany Price	76
	Robert Polite	75
	Sharon Denise Travis	72
	Gregory Smart	64
	Starr Hudge	56
	James Cargile Jr.	48
	Dominique Taylor	46
	Patricia Harris	44
	Kayla Ray	27
AFL-CIO Delegates (4)	James “JD” Dennis	184
	Tonya Butler	170
	Jacqueline Stewart-Harris	136
	Ingrid Rivera	127
	Nigel Saleem	115
	Germaine Williams	95
	Brittany Price	92
	Joe E. Washington	88
	Gregory Smart	85
	Trennel “Tre” Bailey	65
	Sharon Denise Travis	63
	Starr Hudge	58
	Patricia Harris	54
	Steve Martin	50

APWU Local 72 posted the results of the election at the union hall and faxed the results to the post office branches for posting. The winning candidates began their terms of office on May 11,

2021, at APWU Local 72's regular membership meeting, in accordance with paragraph 3.d of the Stipulation of Settlement and Order.

B. Election Protests

The election rules allowed members to submit protests directly to the Election Supervisor in writing at any time before or during the election, or within 10 days after the April 27, 2021 ballot tally. The deadline for accepting protests was Friday, May 7, 2021.

OLMS received one written complaint prior to the election, which was sent by Thomas Vlasek (winning candidate for Director of Maintenance) to the Election Supervisor on March 30, 2021. The Election Supervisor also received a timely post-election protest on May 3, 2021, from James Dennis (candidate for President), Jacqueline Stewart-Harris (candidate for Director of Clerk Craft), and Sharon Denise Travis (winning candidate for Assistant Director of Clerk Craft). On May 7, 2021, Dennis timely added more allegations to the original protest. The Department investigated the allegations in the protests as described below.⁴

Pre-Election Protest

Allegation: The pre-election protest alleged that, on March 30, 2021, campaign literature on behalf of six candidates was left in the breakrooms of two post offices in violation of the election rule prohibiting campaigning inside postal facilities.

Response: Disparate treatment regarding candidates' opportunity to campaign violates section 401(c) of the LMRDA, 29 U.S.C. § 481(c), which requires unions to provide adequate safeguards to ensure a fair election. *See also* 29 C.F.R. § 452.110(a). The investigation indicated that the candidates' literature was left out in the breakrooms of two post offices for a

⁴ Secretary-Treasurer Lonnie Turner alleged embezzlement of election-related funds, but he did not file a formal protest. His allegation, even if true, would not constitute a violation of Title IV of the LMRDA that may have affected the outcome of the election.

couple of hours before it was removed pursuant to the instructions of the election committee.

In response, OLMS took a number of measures to ensure all understood that campaign material was not to be displayed or distributed inside postal facilities and to prevent any further violations. OLMS reminded candidates not to allow campaign material to be left in breakrooms and asked them to tell their supporters not to distribute campaign literature inside post offices. OLMS advised the election committee and stewards to discard any such material found in the breakrooms. OLMS contacted the Cleveland Area Postmaster and requested that customer service window clerks, supervisors, and managers at all locations help ensure that campaign material was not left out in the post offices. Additionally, OLMS created a notice to be posted at all local post offices that restated the election rules about campaign materials and requested that stewards remove any campaign material left out in breakrooms or other areas. OLMS determined that these measures were sufficient to mitigate the effect, if any, on the election from the presence of the campaign literature in the breakrooms of two post offices for a couple of hours.

Post-Election Protest

Allegation 1: The post-election protest alleged that Daleo Freeman, APWU Local 72's incumbent president, had inappropriate meetings with the election committee.

Response: As explained above, section 401(c) of the LMRDA prohibits disparate treatment of candidates for union office. *See* 29 U.S.C. § 481(c). Complainants did not provide any evidence of inappropriate discussions or meetings between Freeman and the election committee. The investigation found only that Freeman occasionally came into the conference room where the election committee worked and discussed matters unrelated to the election. There was no violation of the LMRDA.

Allegation 2: The post-election protest alleged that the election committee showed favoritism and promoted Freeman and the other candidates campaigning as part of “Team One” by emailing their campaign literature for free to the membership.

Response: Section 401(c) of the LMRDA imposes a duty on unions to comply with all reasonable requests of any candidate to distribute campaign literature at the candidate’s expense, and to treat all candidates equally. 29 U.S.C. § 481(c). The investigation revealed no evidence that the election committee distributed any candidate’s campaign literature free of charge. All candidates were charged \$25 to send an email with campaign literature to the membership. The election committee chair explained that the election committee discovered on multiple occasions that there were formatting mistakes in the messages they had sent to the membership. The election committee corrected the formatting mistakes and re-sent these emails. The committee did not require the affected candidates to pay another \$25 for a re-sent email since the candidates had already paid for distribution of that material. There was no violation.

Allegation 3: The post-election protest alleged that a large group of supporters never received complainants’ combined campaign mailing because envelopes were removed by the election committee and/or Freeman prior to mailing.

Response: As previously noted, section 401(c) of the LMRDA imposes a duty on unions to comply with all reasonable requests of any candidate to distribute campaign literature at the candidate’s expense, and to treat all candidates equally. 29 U.S.C. § 481(c). The investigation confirmed that Travis brought the complainants’ combined campaign literature mailing in sealed envelopes to the union hall so that the election committee could attach address labels for the membership. After attaching labels, the envelopes were loaded into two election committee members’ cars for transport to the post office. Travis met them at the post office to observe the

mailing of the envelopes.

The investigation did not uncover evidence, however, to corroborate the allegation that envelopes were removed from the mailing. Travis stated that she concluded that some envelopes went missing because, when she brought the envelopes to union hall, the envelopes filled four postal trays to capacity and there were some additional envelopes in two small boxes. After the election committee members brought the envelopes to the post office for mailing, the envelopes no longer filled four postal trays to capacity since the two small boxes occupied part of one of the postal trays. Travis did not know how or when envelopes went missing, but noted that Freeman had helped carry the envelopes to the election committee members' cars and that it took longer than expected for the election committee members to arrive at the post office. Travis also knew of four members who did not receive the campaign mailing.

OLMS also interviewed Freeman and the election committee chair about the mailing. Both stated that Freeman did not help carry the envelopes to the election committee members' cars or otherwise touch the mailing. The election committee chair stated that she returned around five envelopes of the campaign mailing back to Travis because Travis had brought more envelopes than there were members. Other than that, the election committee chair stated that no one removed anything from Travis' mailing at any time. OLMS determined the investigation did not support finding a violation had occurred.

Allegation 4: The post-election protest alleged that the election committee chair prohibited the complainants from campaigning by the employee entrance of the AMC Annex, that Freeman and his team were given special permission to do so, and that Freeman was also allowed to campaign inside the building

Response: As explained above, section 401(c) of the LMRDA prohibits disparate

treatment of candidates for union office, including where candidates are allowed to campaign. *See* 29 U.S.C. § 481(c). The investigation did not substantiate the allegation of unequal access to the AMC Annex. The election rules prohibited campaigning inside of postal facilities. OLMS interviewed the candidates that the election committee chair allegedly told not to campaign outside of the entrance of the AMC Annex. Those candidates reported that the election committee chair did not actually prohibit them from doing so. Instead, the candidates voluntarily chose to campaign outside the gates of the property to avoid any issues. Freeman stated that he did not campaign inside the AMC Annex or any other postal facility. Complainants could not identify and the investigation uncovered no members who witnessed Freeman campaigning inside the building. There was no violation.

Allegation 5: The post-election protest alleged that Freeman campaigned in the Cleveland Plant for more than four to five hours per day throughout the election and that he did so on union time.

Response: As noted above, section 401(c) prohibits the disparate treatment of candidates for union office, including where candidates are allowed to campaign. *See* 29 U.S.C. § 481(c). Section 401(g) of the LMRDA prohibits the use of union funds to promote the candidacy of any member in an election. 29 U.S.C. § 481(g). Use of union funds includes campaigning on union time and using union resources to campaign. *See* 29 C.F.R. § 452.76.

The investigation did not substantiate this allegation. Freeman stated that he did not campaign inside the Cleveland Plant or any other postal facility. Complainants could provide the name of only one member who allegedly witnessed firsthand Freeman campaigning inside the building. The investigator attempted to contact this member and left two voicemails requesting a return call. The member did not respond to the investigator's requests. As such, the

investigation did not support finding that there had been a violation of the LMRDA.

Allegation 6: The post-election protest alleged that Freeman and Team One candidates campaigned by handing out leftover APWU logo bags that had been purchased for members and distributed around Christmas 2020.

Response: Section 401(g) of the LMRDA prohibits the use of union resources to promote the candidacy of any member in an election. 29 U.S.C. § 481(g). The investigation confirmed that some incumbent officers who were candidates in the election handed out APWU logo bags to members who had not received their bag at Christmas. OLMS interviewed the two members that complainants identified as witnesses. Neither member reported seeing campaigning during bag distribution. There was no violation.

Allegation 7: The post-election protest alleged that the election committee chair was biased toward Team One as evidenced by her reply to a March 30, 2021 Facebook posting by candidate for Director of Clerk Craft Tonya Butler.

Response: Section 401(c) of the LMRDA requires that labor organizations provide adequate safeguards to ensure fair union elections. 29 U.S.C. § 481(c). The investigation confirmed that Butler created a Facebook post that complained about other candidates leaving campaign materials inside postal facilities and included the photo of the materials that was submitted to the Election Supervisor with the pre-election protest. The election committee chair posted a brief reply stating: “According to the DOL this should not be happening. It has been reported to them. It’s against the federal law. Please throw them in the garbage.” The investigation detected no bias in Sanford’s decision to post the comment or in its content. The comment is consistent with the election committee’s role in educating members about the election rules, ensuring compliance, and addressing violations. There was no violation of the

LMRDA.

Allegation 8: The post-election protest alleged that Freeman permitted the election committee to spend unlimited union funds for meals, which was a perk that encouraged favoritism.

Response: As noted above, section 401(c) of the LMRDA requires that labor organizations provide adequate safeguards to ensure fair union elections. 29 U.S.C. § 481(c). The investigation found no evidence that meals provided to the election committee were intended to or did create favoritism. The meals provided to the election committee were consistent with the union's practice with respect to other union committees. Union funds are routinely used to purchase lunches for union work committees that work more than four hours at the union hall and there is no set dollar limit. There was no violation.

C. Conclusion

The Department has concluded from its investigation of these election protests that the APWU Local 72 April 27, 2021 election of officers, conducted under the Department's supervision, complied with Title IV of the LMRDA and was conducted, insofar as lawful and practicable, in accordance with APWU Local 72's constitution and bylaws and the LMRDA. Therefore, the results of this supervised election should be certified by the Court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 28th day of July, 2021, in the City of Washington, District of Columbia.



Brian A. Pifer, Director
Office of Field Operations
Office of Labor-Management Standards
United States Department of Labor